

DEC 24 2003

1614



December 19, 2003

To: Commissioner for Patents
P O Box 1450
Alexandria VA 22313-1450

Subject: IDS Submission
Application No. 10/634,978

Dear Sir:

This is an IDS submission pursuant to the requirements under 37CFR 1.97(b)(3) to be considered as being properly filed prior to the mailing date of the first office action on the merits.

Forms Filled:

PTO/SB/08A and PTO/SB/08B

List of Documents Provided:

- 1) US application 2003/0204082 A1 . This US application claims a foreign priority from an Italian application MI2002A 000913 filed and published on April 29, 2003. A copy of the Italian publication is not provided since it is substantially cumulative
- 2) Copy of reference from DEPATIS database showing a publication date for the Italian patent application.

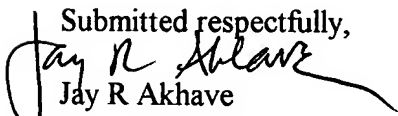
Relevance:

The US patent application 2003/0204082 A1 published on October 30, 2003 relates to "Crystalline form of Cefdinir"; This application reports a crystal with a moisture content of 6.0% that is covered in our patent application and a X-Ray Diffraction Pattern that is concordant with the XRD pattern of our claimed Cefdinir Crystal B. Their method of preparation is however different.

The stated publication date of the priority Italian application is April 29, 2002; this is more than a year before our US filing.

We believe this information is material to 102 patentability for our specific submitted claims 1,2 and 3.

Submitted respectfully,


Jay R Akhave
Reg. # 50,016



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/634,978		
		Filing Date	08/04/2003		
		First Named Inventor	Dandala		
		Art Unit	1614		
		Examiner Name			
Sheet	1	of	1	Attorney Docket Number	2003-015

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		DEUTSCHES PATENT UND MARKENAMT --DPMA DEPATIS DOCUMENT ITMI20020913A	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO : Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.